

**REMARKS**

Claims 1-22 remain pending in this application with claims 1 and 8 being amended by this response. Claims 1 and 8 have been amended for purposes of clarity to recite that the second tuning means tunes second signals including emergency alert signals when the “television signal receiver is in **one of** said on mode and an off/standby mode.” Therefore, Applicant respectfully submits that no new matter is added by the amended claims.

**Rejection of claims 1-22 under 35 U.S.C 102(b)**

Claims 1-22 are rejected under 35 U.S.C 102 (b) as being anticipated by Belcher et al. (U.S. Patent No. 3,993,955), hereinafter “Belcher.”

Independent claim 1 provides a television signal receiver having an emergency alert function. First tuning means tunes first signals including video signals when the television signal receiver is in an on mode. Second tuning means tunes second signals including emergency alert signals when the television signal receiver is in one of the on mode and an off/standby mode. The emergency alert function is activated if the emergency alert signals indicate an emergency event corresponding to a user selected geographical area and a user selected event type. Belcher neither discloses nor suggests the above mentioned features of the present claimed invention.

Belcher describes, in a two-way cable television communications system, a central or master station coupled to a plurality of remote stations through a coaxial cable network. Each remote unit is provided with means for decoding an emergency alert transmission signal from the master station to generate an internal signal to sound an annunciator, alerting a subscriber or viewer at the remote station that an emergency communication is forthcoming, switching on a television receiver at the remote station, if the television receiver is not on, and tuning the television receiver through a converter to a predetermined television channel to condition the television receiver to receive emergency communications from the master station (*see* Abstract).

Belcher describes a two-way cable television communications system including a television receiver and a single converter tuner able to receive emergency command codes. Additionally, Belcher describes

“The ability to transmit command codes and the transmission sequences which permit the performance of particular commands at the remote transceiver, are utilized in the context of the present invention to: (a) activate the annunciator 38 to alert a subscriber at the remote location; (b) turn on the television receiver 36 to condition it for subsequent video and audio reception; and (c) tune the converter tuner 27 to a predetermined program channel which has been designated an emergency alert channel to provide the subscriber with emergency information. This emergency alert transmission function is capable of operating whether or not the television receiver 36 is being viewed by a subscriber. If the television receiver 36 is being viewed and the converter tuner 27 is tuned to one of the commercial channels, an emergency alert command signal transmission sequence will automatically lock the converter-tuner 27 onto the emergency alert channel, interrupting the program being viewed to condition the receiver 36 for reception of an emergency broadcast transmission from the master station 11” (col. 4, line 63-col. 5, line 15).

Thus, Belcher describes command codes and transmission sequences that permit the performance of particular commands at the transceiver end. An emergency alert transmission function operates whether or not a television receiver is being viewed. If the television receiver is being viewed and the converter tuner is tuned to a commercial channel, an emergency alert command signal transmission sequence will automatically lock the converter-tuner onto the emergency alert channel. If the television receiver is not on, the receiver is switched on and the television receiver is tuned to a predetermined television channel to receive emergency communications from a master station (*see* Abstract). However, Belcher neither discloses nor suggests “**second tuning means** for tuning second signals including emergency alert signals when said television signal receiver is in one of said on mode and an off/standby mode; and wherein said emergency alert function is activated if said emergency alert signals indicate an emergency event corresponding to a user selected geographical area and a user selected event type” as recited in claim 1 of the present invention. Contrary to the present claimed invention, Belcher only contains a single tuner (“converter tuner 27”). A single tuner and tuning means, as in Belcher is not equivalent to a **first and second tuning means**, where the second tuning means tunes “second signals

including emergency alert signals when said television signal receiver is in one of said on mode and an off/standby mode” as recited in claim 1 of the present invention.

Additionally, the Office Action cites col. 4, lines 1 et seq. and col. 5, lines 1-37 of Belcher as being relevant to the present claimed invention. Applicant respectfully submits that these cited passages only describe a converter tuner that is capable of receiving command codes containing emergency signals. Upon receiving the command, if the television is turned on and tuned to a commercial channel, the converter tuner locks onto a predetermined emergency alert channel. If the television is off, the television is switched on and again locks onto a predetermined emergency alert channel. The cited passage also describes an interrogation code signal. When the interrogation code signal is received, the “remote transceivers 12 having been precoded to respond to the particular 10 bit identification code, would be conditioned to receive a 4-bit emergency alert command code, which is stored in a function code register 46” (col. 5, lines 21-25). Nowhere in the cited passages or elsewhere in Belcher is there suggestion or disclosure of two tuning means, where the second tuning means tunes “second signals including emergency alert signals when said television signal receiver is in one of said on mode and an off/standby mode” as recited in claim 1 of the present invention. Rather, Belcher is only concerned with a single converter tuner that only provides one type of tuning, by tuning to a predetermined television channel, regardless of whether a television is turned off or on. This is wholly unlike the present claimed invention which claims a “first tuning means for tuning first signals including video signals when said television signal receiver is in an on mode” and a “second tuning means for tuning second signals including emergency alert signals when said television signal receiver is in one of said on mode and an off/standby mode.”

Moreover, in the present claimed invention, the second tuning means is for “tuning second signals including **emergency alert signals**” where the “emergency alert function is **activated** if said **emergency alert signals** indicate an emergency event corresponding to a **user selected geographical area** and a **user selected event type**.” Although Belcher describes “receive[ing] a 4-bit emergency alert command code,” (col. 5, lines 23-24) Belcher neither discloses nor suggests the activation of the emergency alert function when the “emergency alert signals indicate an emergency event corresponding to a user selected

geographical area and a user selected event type” as recited in claim 1 of the present invention. Belcher, contrary to the present claimed invention, is not concerned with allowing a user to select a geographical area or an event type for receiving emergency alerts. The present claimed invention recognizes that “the emergency alert signals include data comprising Specific Area Message Encoding (SAME) data associated with the emergency event. SAME data comprises a digital code representing information such as the specific geographical area affected by the emergency event, the type of emergency event (e.g., tornado watch, radiological hazard warning, civil emergency, etc.)” (Specification, page 5, lines 27-32). Belcher is not concerned with “an emergency event corresponding to a **user selected geographical area and a user selected event type**” as recited in claim 1 of the present invention. Belcher merely tunes a television converter tuner to a “designated [and predetermined]... emergency alert channel to provide the subscriber with emergency information” (col. 5, lines 3-5). There is no mention or suggestion in Belcher of allowing a user to customize the type of emergency information a user wishes to receive based on “a user selected geographical area and a user selected event type” as recited in claim 1 of the present invention. Therefore, Belcher neither discloses nor suggests a first and second tuning means, where the second tuning means tunes “second signals including emergency alert signals when said television signal receiver is in one of said on mode and an off/standby mode” and “wherein said emergency alert function is activated if said emergency alert signals indicate an emergency event corresponding to a user selected geographical area and a user selected event type” as recited in claim 1 of the present invention. Consequently, it is respectfully requested that the rejection of claim 1 under 35 U.S.C. 102(b) should be withdrawn.

Claim 2 is dependent on claim 1 and is allowable for the reasons presented above with respect to claim 1. Claim 2 is also not anticipated by Belcher because Belcher neither discloses nor suggests that the “second tuning means is included in a **modem apparatus**” as recited in claim 2 of the present invention. Belcher only contains a single tuning device (as argued with respect to claim 1). Moreover, Belcher is only concerned with television systems, and not a modem apparatus, as in the present claimed invention. Therefore, as Belcher only contains a single tuner as part of a television receiving apparatus, Belcher cannot disclose or suggest a second tuning means, nor that the second tuning means is

included in a modem apparatus, as in the present claimed invention. Thus, Belcher neither discloses nor suggests that the “second tuning means is included in a modem apparatus” as recited in claim 2 of the present invention. Consequently, it is respectfully requested that the rejection of claim 2 under 35 U.S.C. 102(b) should be withdrawn.

Dependent claims 3-7 are dependent on claims 1 and 2, and therefore are allowable over Belcher for the same reasons as claims 1 and 2. Consequently, it is respectfully requested that the rejection of claims 3-7 under 35 U.S.C. 102(b) should be withdrawn.

Independent claim 8 contains similar subject matter to independent claim 1 and is allowable for the same reasons as independent claim 1. Additionally, claims 9-14 are dependent on claim 8, and are also not anticipated by Belcher. Consequently, it is respectfully requested that the rejection of claims 8-14 under 35 U.S.C. 102(b) should be withdrawn.

Independent claim 15 provides a modem apparatus having an emergency alert function. A modulator is operative to modulate upstream signals provided to a network. A demodulator is operative to demodulate downstream signals provided from the network. The downstream signals include emergency alert signals capable of activating the emergency alert function. An alert system is operative to provide an alert output when the emergency alert function is activated. The emergency alert function is activated if the emergency alert signals indicate an emergency event corresponding to a user selected geographical area and a user selected event type.

Belcher is merely concerned with a television receiving apparatus, including a television and a converter tuner. The converter tuner tunes to a predetermined channel, which is a designated emergency alert channel, upon receiving a command code. This is wholly unlike “[a] **modem apparatus** having an emergency alert function, comprising: a modulator operative to modulate upstream signals provided to a network; a demodulator operative to demodulate downstream signals provided from said network, said downstream signals including emergency alert signals capable of activating said emergency alert function; an alert system operative to provide an alert output when said emergency alert function is

activated” as recited in claim 15 of the present invention. Nowhere in Belcher is there any suggestion or disclosure of a modem apparatus, and therefore, Belcher cannot disclose or suggest “a modem apparatus having an emergency alert function ... a modulator ... a demodulator” as recited in claim 15 of the present invention. Additionally, as argued with respect to claim 1, Belcher neither discloses nor suggests “emergency alert function is activated if said emergency alert signals indicate an emergency event corresponding to a user selected geographical area and a user selected event type” as recited in claim 15 of the present invention. Belcher is not concerned with allowing users to select geographical areas or event types for which to receive emergency information. Therefore, Belcher neither discloses nor suggests the features of claim 15 of the present invention. Consequently, it is respectfully requested that the rejection of claim 15 under 35 U.S.C. 102(b) should be withdrawn.

In view of the above remarks it is respectfully submitted that there is no 35 U.S.C. 112 compliant enabling disclosure in Belcher showing the above discussed features. As dependent claims 2-7, 9-14 and 16-22 are dependent on independent claims 1, 8 and 15, respectively, it is respectfully submitted that they are allowed for the same reasons discussed above regarding claims 1, 8 and 15. Thus, it is further respectfully submitted that this rejection is satisfied and should be withdrawn.

Having fully addressed the Examiner’s rejections, it is believed that, in view of the amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant’s attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

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